

05/13/05

AF #12W

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/864,723
	Filing Date	May 23, 2001
	First Named Inventor	Hixon et al.
	Group Art Unit	3724
	Examiner Name	S. Choi
	Attorney Docket Number	2916-4842US

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Postcard receipt acknowledgment (attached to the front of this transmittal)	<input type="checkbox"/> Information Disclosure Statement, PTO/SB/08A; <input type="checkbox"/> copy of cited references	<input type="checkbox"/> Terminal Disclaimer
<input checked="" type="checkbox"/> Duplicate copy of this transmittal sheet in the event that additional filing fees are required under 37 C.F.R. § 1.16	<input type="checkbox"/> Supplemental Information Disclosure Statement; PTO/SB/08A; copy of cited references and Check No. in the amount of \$180.00	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Preliminary Amendment	<input type="checkbox"/> Associate Power of Attorney	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Response to Restriction Requirement/Election of Species Requirement dated	<input type="checkbox"/> Petition for Extension of Time and Check No. in the amount of \$	
<input type="checkbox"/> Amendment in response to office action dated	<input type="checkbox"/> Petition	
<input type="checkbox"/> Amendment under 37 C.F.R. § 1.116 in response to final office action dated	<input checked="" type="checkbox"/> Appeal Brief (22 pages) Claims Appendix (5 pages) Evidence Appendix (22 total pages) and Check No. 7821 in the amount of \$250.00	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Additional claims fee - Check No. in the amount of \$	<input type="checkbox"/> Certified Copy of Priority Document(s)	
<input type="checkbox"/> Letter to Chief Draftsman and copy of FIGS. with changes made in red	<input type="checkbox"/> Assignment Papers (for an Application)	
<input type="checkbox"/> Transmittal of Formal Drawings	Remarks	
<input type="checkbox"/> Formal Drawings (sheets)	The Commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account 20-1469 during pendency of this application.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Brick G. Power Registration No. 38,581
Signature	
Date	May 12, 2005

CERTIFICATE OF MAILING
Express Mail Label Number: <u>EL994843890US</u>
Date of Deposit: <u>May 12, 2005</u>
Person Making Deposit: <u>Steve Wong</u>



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Hixon et al.

Serial No.: 09/864,723

Filed: May 23, 2001

For: DIE CUTTING SYSTEM,
COMPONENTS THEREOF, AND
METHODS

Confirmation No.: 2791

Examiner: S. Choi

Group Art Unit: 3724

Attorney Docket No.: 2916-4842US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994843890US

Date of Deposit with USPS: May 12, 2005

Person making Deposit: Steve Wong

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Board of Patent Appeals and Interferences

Sir:

This Appeal Brief is being submitted in the format required by 37 C.F.R. § 41.37(c)(1),
with the fee required by 37 C.F.R. § 41.20(b)(2).

05/16/2005 MAHME1 00000045 09864723

01 FC:2402

250.00 0P

BEST AVAILABLE COPY

I. REAL PARTY IN INTEREST

U.S. Application Serial No. 09/864,723 (hereinafter “the ‘723 Application”), the application at issue in the above-referenced appeal, has been assigned to QuicKutz, Inc., as evidenced by the assignment that has been recorded with the U.S. Patent & Trademark Office (hereinafter “the Office”) at Reel No. 013271, Frame No. 0566. Accordingly, QuicKutz, Inc., is the real party in interest in the above-referenced appeal.

II. RELATED APPEALS AND INTERFERENCES

Neither Appellants nor the undersigned attorney are aware of any action pending before the Board of Patent Appeals and Interferences (hereinafter “the Board”) that would affect or influence the Board’s decision in the above-referenced appeal.

III. STATUS OF CLAIMS

Claims 12-16 and 24-37 are currently pending and under consideration in the above-referenced application.

Claims 1-11 and 17-23 were withdrawn from consideration and canceled, without prejudice or disclaimer, pursuant to elections made in response to restriction and species election requirements.

Claims 12-16 and 24-37 are subject to final rejections, which are to be reviewed in the above-referenced appeal.

IV. STATUS OF AMENDMENTS

The '723 Application was filed on May 23, 2001, with twenty-three (23) claims.

On October 8, 2002, a non-meritorious action that included restriction and species election requirements was mailed. A response to that action was filed on November 12, 2002, and included an election to prosecute the subject matter to which claims 12-16 were drawn.

A first action on the merits of claims 12-16 followed on January 31, 2003. In that action, the Examiner rejected each of claims 12-16. Appellants responded to the rejections that were presented in the January 31, 2003, action by filing an Amendment, in which claim revisions were presented along with explanations as to the patentability of the pending claims.

The claim revisions and accompanying remarks were apparently persuasive, as the Examiner asserted new grounds against the pending claims in a Final Office Action dated August 8, 2003. In response, Appellants provided additional reasoning as to the patentability of the pending claims. The Examiner was not persuaded by Appellants' reasoning, as evidenced by the remarks that accompanied the Advisory Action of October 24, 2003.

In view of the finality of the Examiner's claim rejections, a Request for Continued Examination (RCE) was filed on November 10, 2003.

The Examiner promptly issued another final office action on December 15, 2003, and reasserted his prior grounds for rejecting claims 12-16. The final office action of December 15, 2003, was followed on April 15, 2004, by an Amendment Under 37 C.F.R. § 1.116, in which additional claim revisions were presented, as were explanations as to the patentability of the claims over the art upon which the Examiner's rejections were based. In

addition, new claims 24-37 were presented. The Amendment Under 37 C.F.R. § 1.116 was accompanied by another RCE.

In the hope of expediting the process to obtain patentable claims, Appellants participated in an interview with the Examiner on June 15, 2004. Although no specific agreements were reached during that interview, Appellants felt that they had a good understanding of the Examiner's understanding of the art of record and that the Examiner had provided them with useful guidance on how to obtain a patent from the above-referenced application.

Shortly after the interview, on July 9, 2004, another office action was mailed. The Examiner again presented new grounds of rejection against all of the pending claims. Appellants responded on September 13, 2004, with another Amendment and further explanations as to the patentability of the claims, only to be met by many of the same claim rejections in a Final Office Action dated December 13, 2004.

In view of the lack of progress toward identifying patentable subject matter, a Notice of Appeal was filed in the above-referenced application on March 14, 2005. The Notice of Appeal is followed by this Appeal Brief, which is being filed within two months of the Notice of Appeal.

No amendments have been made in the above-referenced application since the Amendment of September 13, 2004.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claims of the '723 Application are directed to apparatus for forcing a die into a sheet of material and which include more than one handle. A first member of such an apparatus, which is associated with one of the handles, is configured to receive a die. *See* claims 12, 25, and 31.

A second member of such an apparatus, which is associated with another of the handles, is configured to support a sheet of material, such as paper. *See id.* A sheet supporting surface of the second member is oriented to oppose a die receiving surface of the first member. *See id.* The handles facilitate movement of the opposed surfaces of the first and second members toward and away from one another. *See id.*

In claim 12, the first member of the apparatus includes an uninterrupted, planar surface for receiving a die. The sheet receiving surface of the second member of that apparatus is also uninterrupted and planar.

The first member of the apparatus of claim 25 includes an unbounded surface for supporting the entire planar back side of a substantially planar die.

Like claim 12, the first member of the apparatus of claim 31 includes an uninterrupted, planar surface for receiving a die. The second member of the apparatus of claim 31 need not be planar or uninterrupted, however.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

(A) Claims 12, 13, 16, and 24 stand rejected under 35 U.S.C. § 102(b) for being drawn to subject matter which is allegedly anticipated by the subject matter described in U.S. Patent 5,617,785 to Lo (hereinafter “Lo”).

(B) Claims 31, 32, and 37 are rejected under 35 U.S.C. § 102(b) for reciting subject matter which is purportedly anticipated by the disclosure of U.S. Patent 3,372,482 to Mercorelli (hereinafter “Mercorelli”).

(C) Claims 31-34, 36, and 37 have been rejected under 35 U.S.C. § 102(b) for being directed to subject matter that is assertedly anticipated by the subject matter described in PCT International Patent Application Publication WO 00/51533 of Andersen (hereinafter “Andersen”).

(D) Claim 14 stands rejected under 35 U.S.C. § 103(a) for being directed to subject matter which is purportedly unpatentable over the subject matter taught in Lo, in view of teachings from U.S. Patent 4,574,693 to Fink et al. (hereinafter “Fink”).

(E) Claims 15 and 29 are rejected under 35 U.S.C. § 103(a) for reciting subject matter which is purportedly unpatentable over the teachings of Lo, in view of teachings from U.S. Patent 5,172,622 to Sabin (hereinafter “Sabin”).

(F) Claims 25-28 and 30 have been rejected under 35 U.S.C. § 103(a) for being drawn to subject matter that is assertedly unpatentable over the teachings of Lo.

(G) Claim 35 stands rejected under 35 U.S.C. § 103(a) for reciting subject matter that is allegedly unpatentable over teachings from Andersen, in view of the subject matter taught in U.S. Patent 5,660,105 to Benson et al. (hereinafter “Benson”).

VIII. ARGUMENT

A. REJECTIONS UNDER 35 U.S.C. § 102

Each of claims 12, 13, 16, 24, 31-34, 36, and 37 stands rejected under 35 U.S.C. § 102(b).

1. LEGAL AUTHORITY

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference which qualifies as prior art under 35 U.S.C. § 102. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

2. REFERENCES RELIED UPON

Lo

Lo describes a table top embossing apparatus that may be manually or automatically operated. The embossing apparatus of Lo includes two magnets 40 and 60 for receiving the members 80 and 90 of an embossing die pair. *See* FIGs. 5 and 6. The magnet 40 and 60 have opposed surfaces that appear to include protruding, substantially planar central sections. *See id.* Movement of the lower magnet 60 toward the upper magnet 40 may be effected automatically with a motor 71-driven transmission 70 and a variety of associated elements, including spindles 72, 75 and gears 73, 74. Col. 3, lines 1-23; FIGs. 5 and 6. Movement of the upper magnet 40 toward the lower magnet 60 may be effected manually, by use of a gear 56 or a single handle 120. Col. 3, lines 24-45; FIGs. 5 and 6.

Mercorelli

The apparatus described in Mercorelli includes a pair of handles 14 and 15 and two opposable members 11 and 12. FIGs. 1 and 2; col. 1, lines 54-60. The opposable members 11

and 12 are configured to respectively receive complementary male and female dies 21 and 20. FIGs. 1 and 2; col. 1, lines 59 and 60. The opposable members 11 and 12 receive the dies 21 and 20 within undercut channels 18 and 19, respectively. *Id.* While Mercorelli is largely silent as to the configurations of the undercut channels 18 and 19, Mercorelli does explain that each channel 18, 19 includes a number of small bosses 25, "which are locating means for positioning the dies and holding them at the end of the channels 18 and 19." Col. 1, lines 69-71. Mercorelli describes the bosses 25 as "hemispherical domes." Col. 1, line 71, to col. 2, line 1.

Andersen

Andersen discloses a tool for punching holes in a skin protection plate for use with a stoma bag. The cutting tool 10 of Andersen includes two handles 20 that are associated with members 14 that may be moved toward and away from one another. Neither of these members 14 includes an uninterrupted, planar surface. Instead, one of the members 14 includes an opening 38 that receives a bolt 32 protruding from the back side of a holding-up plate 18, which is configured to support a skin protection plate as a hole is formed therein. *See* page 7, lines 8-21; page 9, lines 7-16; FIG. 5. The other of the members 14 includes a small protrusion that is configured to be received within a complementarily configured receptacle in the back side of a hole socket 16 with a cutting/punching edge 22 protruding from the front side thereof. *See* FIGs. 1-4; *see also* page 7, lines 8-24.

3. ANALYSIS

a. LO

Claims 12, 13, 16, and 24 stand rejected under 35 U.S.C. § 102(b) for being drawn to subject matter which is allegedly anticipated by the subject matter described in Lo.

Independent claim 12 recites an apparatus for forcing a die into a sheet of material. The apparatus of independent claim 12 includes first and second members and handles that are associated with the first and second members. The first member includes a die receiving surface, while the second member includes a planar, uninterrupted sheet supporting surface oriented to oppose the die receiving surface. The sheet supporting surface of the second member is uninterrupted and planar.

It is respectfully submitted that Lo does not anticipate at least three elements of independent claim 12.

First, Lo lacks any express or inherent description that either the upper magnet 40 or the lower magnet 60 thereof includes a surface that supports a sheet of material into which a die is to be forced. Rather, the description of Lo is limited to magnets 40 and 60 with surfaces that are respectively configured to engage a top die 80 and a bottom die 90, which are complementarily configured members of an embossing die pair. *See* FIG. 5; col. 3, lines 11-14.

Second, Lo neither expressly nor inherently describes that the apparatus disclosed therein includes handles associated with first and second members. Although the Examiner has asserted that the frame 30 of the table top embossing apparatus of Lo may be held by the hand of a user (Final Office Action of December 13, 2004, page 6), Lo does not expressly state that the frame 30 of the disclosed apparatus may be used as a handle. Moreover, as the table top

embossing apparatus of Lo may be operated without a user holding onto the frame 30, Lo does not inherently describe that the frame 30 comprises a second handle of that apparatus. Instead, Lo merely describes that a single handle 120 is associated with the upper, first magnet 40 of the disclosed apparatus.

Third, Lo includes no express or inherent description that the apparatus thereof includes a planar sheet supporting surface that is oriented to oppose a die receiving surface. Rather, in the device of Lo, a sheet is supported by an embossing die 90, which is certainly not planar.

As Lo does not expressly or inherently describe an apparatus which includes, in identical detail to that recited in independent claim 12, each and every element of independent claim 12, it is respectfully submitted that the subject matter recited in independent claim 12 is not anticipated by the disclosure of Lo under 35 U.S.C. § 102(b).

Claims 13, 16, and 24 are each allowable, among other reasons, for depending either directly or indirectly from claim 12, which is allowable.

Claim 16 is further allowable since, in addition to lacking any express or inherent description of an apparatus that includes more than one handle, Lo lacks any express or inherent description that the table top embossing apparatus disclosed therein includes more than one handle that may be configured to be held and operated with a single hand.

b. MERCORELLI

Claims 31, 32, and 37 are rejected under 35 U.S.C. § 102(b) for reciting subject matter which is purportedly anticipated by the disclosure of Mercorelli.

Independent claim 31 is also drawn to an apparatus for forcing a die into a sheet of material. The apparatus of independent claim 31 also includes first and second members and handles that are associated with the first and second members. The first member includes a planar die receiving surface and a die retaining element associated therewith. The second member includes a sheet supporting surface oriented to oppose the die receiving surface of the first member.

It is respectfully submitted that Mercorelli does not anticipate at least two elements of independent claim 31.

First, Mercorelli does not expressly or inherently describe that the apparatus disclosed therein includes a member with a sheet supporting surface. Rather, the opposable members 11 and 12 of the apparatus described in Mercorelli are both configured to receive dies. FIGs. 1 and 2; col. 1, lines 59 and 60. Thus, the apparatus disclosed in Mercorelli includes two opposable die cutting surfaces.

Second, Mercorelli includes no express or inherent description of a die receiving surface that is planar and uninterrupted. Instead, the description of Mercorelli is quite clearly limited to die receiving surfaces that include hemispherically shaped bosses 25 protruding therefrom. Col. 1, line 68, to col. 2, line 1.

For these reasons, it is respectfully submitted that the disclosure of Mercorelli does not anticipate each and every element of independent claim 31, as would be required to uphold the 35 U.S.C. § 102(b) rejection of independent claim 31.

Claims 32 and 37 are both allowable, among other reasons, for depending directly or indirectly from claim 31, which is allowable.

Claim 32 is additionally allowable since Mercorelli lacks any express or inherent description that the apparatus disclosed therein includes a “die receiving surface . . . configured to receive and completely support an uninterrupted, planar surface of [a] substantially planar die. This is because, as FIGs. 3 and 4 of Mercorelli clearly depict, the dies do not have planar back sides. Instead, as described, the back sides of the dies of Mercorelli must include dimples 24 to receive the bosses 25 that protrude from the die-receiving surfaces of members 11 and 12 and, thus, to hold the dies 21 and 21 in place on their respective members 11 and 12. FIGs. 1-4; col. 1, line 68, to col. 2, line 1.

Moreover, as shown in FIG. 5 of Mercorelli, the male die 21, which is primarily responsible for cutting a sheet of material, includes a raised area 28. Mercorelli emphasizes that the raised area 28 protrude a sufficient distance from a surface of the die 21 to include arcuate edges 8 that may fully engaged by internally confined edges 9 of a corresponding female die 20, touting this feature as being necessary to avoid the formation of torn or jagged edges along a piece of paper that has been cut by dies 21 and 20. FIGs. 4 and 5; col. 2, lines 11-30.

c. ANDERSEN

Claims 31-34, 36, and 37 have been rejected under 35 U.S.C. § 102(b) for being directed to subject matter that is assertedly anticipated by the subject matter described in Andersen.

Like Mercorelli, Andersen fails to anticipate each and every element of independent claim 31.

In particular, Andersen does not expressly or inherently describe a member that includes an uninterrupted, planar die receiving surface. Instead, the disclosure of Andersen is limited to a

member 14 that includes a protruding element that engages a complementary receptacle in the back side of a hole socket 16. *See* FIGs. 1-4.

Furthermore, Andersen neither expressly nor inherently describes a die retaining element that is “configured to secure a substantially planar die to [the] die receiving surface.” As FIGs. 1-4 of Andersen clearly illustrate, the hole socket 16 of Andersen is not substantially planar.

Therefore, Andersen does not anticipate each and every element of independent claim 31, as would be required to uphold the Examiner’s Andersen-based 35 U.S.C. § 102(b) rejection of independent claim 31.

Each of claims 32-34, 36, and 37 is allowable, among other reasons, for depending directly or indirectly from claim 31, which is allowable.

Claim 32 is further allowable since Andersen does not expressly or inherently describe a member 14 with a surface that is configured to “receive and completely support an uninterrupted, planar surface of [a] substantially planar die.” Rather, the disclosure of Andersen is limited to a member that includes a protrusion that is received within a complementary recess that interrupts the planarity of the back side of the hole socket 16 described therein. *See* FIGs. 1-4.

In view of the foregoing, reversal of the 35 U.S.C. § 102(b) rejections of claims 12, 13, 16, 24, 31-34, 36, and 37 is respectfully requested.

B. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 14, 15, 25-30, and 35 have been rejected under 35 U.S.C. § 103(a).

1. LEGAL AUTHORITY

The standard for establishing and maintaining a rejection under 35 U.S.C. § 103(a) is set forth in M.P.E.P. § 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

2. ADDITIONAL REFERENCES RELIED UPON

Fink

Fink is relied upon for its teaching of mechanical features 76 and 78 for securing an embossing seal to a substantially planar surface of an embossing press. FIG. 3; col. 3, lines 43-46.

Sabin

Sabin teaches a table-top die cutting apparatus 10 that includes a base 20 that is configured to support a sheet of paper or other material to be die-cut, a frame 18 extending upwardly from the base 20 and supporting a die receiving element 14, and a "shifting mechanism" 16 held in place by the frame 18 and associated with the die receiving element 14.

Figs. 1 and 4; col. 3, lines 29-39. The shifting mechanism 16 is basically a handle that, when moved, forces the die receiving element 14 downward toward the base 20 of the die cutting apparatus 10 and, thus, forces the cutting edges of a die 12 through a sheet 27 of paper or other material supported by the base. *Id.* In addition, a pad 22 may be located on the base 20. *Id.*

Benson

Benson teaches a punching or embossing tool 10 that includes complementary dies 20 and 22 that are configured to be opposed and biased against one another by compression members 24 and 26. FIG. 1; col. 3, lines 44-48. Each die 20, 22 includes an octagonal base 54, 64 and an octagonal protruding member 50, 60 extending from a substantially planar back side of the octagonal base 54, 64. FIGs. 3 and 4; col. 4, lines 15-44.

Each compression member 24, 26 includes an elongated die receiving cavity 24a, 26a within which a base 54, 64 of a die 20, 22 is to be slidably disposed and retained. FIG. 1; col. 3, lines 49-51. When the base 54, 64 is inserted into the cavity 24a, 26a, the protruding member 50, 60 on the back side of the base 54, 64 of each die 20, 22 extends through a receiving slot 40, which communicates with the cavity 24a, 26a. An end of each receiving slot 40 has a half-octagonal profile 42 which corresponds to the octagonal shape of the protruding member 50, 60 of the die 20, 22 and is, thus, configured to receive a protruding member 50, 60 and retain the same, as well as the die 20, 22, in a desired orientation. FIGs. 3 and 4; col. 4, lines 8 and 9.

A retainer magnet 44 is disposed within each die receiving cavity 24a, 24b to hold a die 20, 22 therein. FIGs. 3 and 4; col. 4, lines 10-44. The retainer magnet 44 also has a

half-octagonal profile, which complements the octagonal shape of the base 54, 64 of each die 20, 22. Col. 4, lines 10-14. Each retainer magnet 44, including the magnetic field generated thereby and its half-octagonal profile, in combination with the complementary shapes of the base 54, 64 of each dies 20, 22 and the die receiving cavity 24a, 26a, as well as the complementary shapes of the end of each receiving slot 40 and insertion member 50, 60 of the die 20, 22, holds the die 20, 22 in a desired position within the die receiving cavity 24a, 26a.

3. ANALYSIS

a. LO IN VIEW OF FINK

Claim 14 stands rejected under 35 U.S.C. § 103(a) for being directed to subject matter which is purportedly unpatentable over the subject matter taught in Lo, in view of teachings from Fink.

Claim 14 is allowable, among other reasons, for depending directly from claim 12, which is allowable.

b. LO IN VIEW OF SABIN

Claims 15 and 29 are rejected under 35 U.S.C. § 103(a) for reciting subject matter which is purportedly unpatentable over the teachings of Lo, in view of teachings from Sabin.

Claim 15 is allowable, among other reasons, for depending directly from claim 12, which is allowable.

Claim 29 is allowable, among other reasons, for depending directly from claim 25, which is allowable (*see the following section*).

c. LO

Claims 25-28 and 30 have been rejected under 35 U.S.C. § 103(a) for being drawn to subject matter that is assertedly unpatentable over the teachings of Lo.

Independent claim 25 is directed to an apparatus for forcing a die into a sheet of material. The apparatus of independent claim 25 includes first and second members, as well as handles associated with the first and second members. The first member of the apparatus of independent claim 25 includes a die receiving surface which is configured to receive and completely support a planar back side of a substantially planar die and a die retaining element associated with the die receiving surface. The second member of the apparatus of independent claim 25 includes a substantially planar sheet supporting surface

It is respectfully submitted that there are a number of reasons that the teachings of Lo do not support a *prima facie* case of obviousness against independent claim 25 or any of claims 26-28 or 30 depending therefrom.

No Motivation to Modify

First, one of ordinary skill in the art would not have been motivated to modify the teachings of Lo, which are drawn to a table top embossing machine that requires cooperating embossing dies and includes only a single handle, in such a way as to develop a two or more handled apparatus that includes a first member for receiving a die and an opposable second member for supporting a sheet of material. In view of the stark differences between the single-handle table top embossing apparatus of Lo and the multi-handle apparatus recited in

claims 25-28 and 30, it appears that the only source of motivation for one of ordinary skill in the art to modify the teachings of Lo in the asserted manner would have been the disclosure of the above-referenced application.

Lo Does not Teach or Suggest Each and Every Claim Element

Second, Lo does not teach or suggest several elements of independent claim 25.

Lo either fails to teach or suggest an apparatus with a member that has a die receiving surface which is configured to completely support the back side of the substantially planar die or it fails to teach or suggest an apparatus including a member with a planar die receiving surface. As shown in FIGs. 5 and 6 of Lo, the die-supporting surfaces of both die-receiving magnets 40 and 60 appear to include planar centers that are raised, or stepped, relative to the peripheries of the magnets 40 and 60. Additionally, as shown in FIGs. 5 and 6 of Lo, the upper and lower dies 80 and 90 have much larger diameters than the raised centers of the die-securing surfaces of the magnets 40 and 60, respectively. Consequently, if the back sides of the dies 80 and 90 are planar, they are not fully supported by the planar central portions of the die-securing surfaces of the magnets 40 and 60. Conversely, if the back sides of the dies 80 and 90 are fully supported by the centrally protruding portions of the magnets 40 and 60, the back sides of the dies 80 and 90 would have to include recesses in the back sides thereof and, therefore, the back sides of the dies 80 and 90 could not be planar.

Lo also lacks any teaching or suggestion that either the upper magnet 40 or the lower magnet 60 thereof includes a substantially planar surface that supports a sheet of material into which a die is to be forced. Rather, the description of Lo is limited to magnets 40 and 60 with

surfaces that are respectively configured to engage a top die 80 and a bottom die 90; *i.e.*, the members of an embossing die pair. *See* FIG. 5; col. 3, lines 11-14. Thus, the bottom die 90, not a surface of the member to which the bottom die 90 is to be secured, supports a sheet of material. Further, as the bottom die 90 is a member of a pair of embossing dies, the surface of the bottom die 90 that would support a sheet of material is not substantially planar.

Additionally, Lo neither teaches nor suggests that the apparatus thereof includes handles associated with first and second members. Instead, Lo merely describes a single handle 120 that is associated with the upper, first magnet 40 of the disclosed apparatus. While the Examiner has asserted that the frame 30 of the embossing apparatus of Lo may be held by the hand of a user (Final Office Action of December 13, 2004, page 6), Lo does not teach or suggest that the frame 30 may be used as a handle.

Each of claims 26-28 and 30 is allowable, among other reasons, for depending either directly or indirectly from claim 25, which is allowable.

Claim 30 is further allowable since, in addition to lacking any teaching or suggestion of an apparatus that includes more than one handle, Lo lacks any teaching or suggestion that more than one handle of the device described therein may be configured to be held and operated with a single hand.

Secondary Indicia of Nonobviousness

On at least two occasions (in the Amendment Under 37 C.F.R. § 1.116 dated April 15, 2004, and during the interview of June 15, 2004), the Examiner has been informed of the availability of evidence showing secondary indicia of nonobviousness, including commercial

success of the apparatus to which claims 25-28 and 30 are drawn. In addition, there has been a long-felt need for a portable press of the type recited in the claims.

A Declaration detailing the commercial success of the claimed apparatus and of the long-felt need for this type of apparatus is included in the EVIDENCE APPENDIX to this Appeal Brief.

d. ANDERSEN IN VIEW OF BENSON

Claim 35 stands rejected under 35 U.S.C. § 103(a) for reciting subject matter that is allegedly unpatentable over teachings from Andersen, in view of the subject matter taught in Benson.

Claim 35 is allowable, among other reasons, for depending directly from claim 31, which is allowable.

In view of the foregoing, it is respectfully requested that the 35 U.S.C. § 103(a) rejections of claims 14, 15, 25-30, and 35 be reversed.

VIII. CLAIMS APPENDIX

The current status of each claim that has been introduced into the above-referenced application is set forth in CLAIMS APPENDIX to this Appeal Brief.

IX. EVIDENCE APPENDIX

A DECLARATION OF ERIC J. RUFF is submitted herewith to establish secondary indicia of nonobviousness of the subject matter recited in several claims of the above-referenced application.

X. RELATED PROCEEDINGS APPENDIX

No decisions have been rendered by the Board or any court in a related application. Therefore, this Appeal Brief is not accompanied by a related proceedings appendix.

XI. CONCLUSION

It is respectfully submitted that:

(A) Claims 12, 13, 16, and 24 are allowable under 35 U.S.C. § 102(b) for being drawn to subject matter which is not anticipated by the subject matter described in Lo;

(B) Claims 31, 32, and 37 are allowable under 35 U.S.C. § 102(b) for reciting subject matter that disclosure of Mercorelli does not anticipate;

(C) Under 35 U.S.C. § 102(b), claims 31-34, 36, and 37 are allowable for being directed to subject matter that is not anticipated by the disclosure of Andersen;

(D) Claim 14 is allowable under 35 U.S.C. § 103(a) for reciting subject matter that is patentable over the teachings of Lo and Fink;

(E) Claims 15 and 29 are both allowable under 35 U.S.C. § 103(a) for reciting subject matter which is patentable over the teachings of Lo, in view of teachings from Sabin;

(F) Claims 25-28 and 30 are allowable under 35 U.S.C. § 103(a) for being drawn to subject matter that is patentable over the teachings of Lo; and

(G) Claim 35 is allowable under 35 U.S.C. § 103(a) for reciting subject matter that is patentable over teachings from Andersen, in view of the subject matter taught in Benson.

Accordingly, it is respectfully requested that the rejections of claims 12-16 and 24-37 be reversed and that each of these claims be allowed.

Respectfully submitted,



Brick G. Power
Registration No. 38,581
Attorney for Applicants
TRASKBRITT, PC
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: May 12, 2005

BGP/ljb

Document in ProLaw

CLAIMS APPENDIX

1-11. (Canceled)

12. An apparatus for forcing a die into a sheet of material, comprising:

a first member including:

an uninterrupted, planar die receiving surface; and

a die retaining element associated with said die receiving surface, said die retaining element being configured to secure a planar surface of a substantially planar die to said die receiving surface;

a second member including:

an uninterrupted, planar sheet supporting surface oriented to oppose said die receiving surface; and

handles associated with said first and second members so as to facilitate movement of at least one member of said first and second members toward the other of said first and second members.

13. The apparatus of claim 12, wherein said die retaining element is magnetic.

14. The apparatus of claim 12, wherein said die retaining element mechanically secures a substantially planar die to said die receiving surface.

15. The apparatus of claim 12, wherein said second member includes a cushioning element that forms at least a portion of said substantially planar sheet supporting surface.

16. The apparatus of claim 12, wherein said handles are configured to be held by and operated with a hand of a user.

17-23. (Canceled)

24. The apparatus of claim 13, wherein said die receiving surface is unbounded.

25. An apparatus for forcing a die into a sheet of material, comprising:
a first member including:
an unbounded die receiving surface configured to completely support a planar back side
of a substantially planar die; and
a die retaining element associated with said die receiving surface, said die retaining
element configured to secure the planar back side of the substantially planar die to
said die receiving surface;
a second member including:
a substantially planar sheet supporting surface oriented to oppose said die receiving
surface; and

handles associated with said first and second members so as to facilitate movement of at least one member of said first and second members toward the other of said first and second members.

26. The apparatus of claim 25, wherein the die retaining element comprises at least one of a magnetic and a magnetically-attractable material.

27. The apparatus of claim 26, wherein said die receiving surface is uninterrupted and planar.

28. The apparatus of claim 27, wherein said substantially planar sheet supporting surface is uninterrupted.

29. The apparatus of claim 25, wherein said second member includes a cushioning element that forms at least a portion of said substantially planar sheet supporting surface.

30. The apparatus of claim 25, wherein said handles are configured to be held by and operated with a hand of a user.

31. An apparatus for forcing a die into a sheet of material, comprising:
a first member including:

an uninterrupted, planar die receiving surface; and

a die retaining element associated with said die receiving surface, said die retaining element configured to secure a substantially planar die to said die receiving surface;

a second member including:

a sheet supporting surface oriented to oppose said die receiving surface; and handles associated with said first and second members so as to facilitate movement of both of said first and second members toward each other.

32. The apparatus of claim 31, wherein said die receiving surface is configured to receive and completely support an uninterrupted, planar surface of the substantially planar die.

33. The apparatus of claim 31, wherein said die receiving surface is unbounded.

34. The apparatus of claim 31, wherein said sheet supporting surface is uninterrupted and planar.

35. The apparatus of claim 31, wherein the die retaining element comprises at least one of a magnetic and a magnetically-attractable material.

36. The apparatus of claim 31, wherein said second member includes a cushioning element that forms at least a portion of said sheet supporting surface.

37. The apparatus of claim 31, wherein said handles are configured to be held by and operated with a hand of a user.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hixon et al.

Serial No.: 09/864,723

Filed: May 23, 2001

For: DIE CUTTING SYSTEM,
COMPONENTS THEREOF, AND
METHODS

Confirmation No.: 2791

Examiner: S. Choi

Group Art Unit: 3724

Attorney Docket No.: 2916-4842US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: _____

Date of Deposit with USPS: _____

Person making Deposit: _____

DECLARATION OF ERIC J. RUFF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Eric J. Ruff, declare that:

1. I am over twenty-one years of age and competent to give sworn testimony.
2. I am the President and C.E.O. of QuicKutz, Inc., (hereinafter "QuicKutz") a corporation organized under the laws of the State of Utah. I have served in that capacity at QuicKutz since its organization on September 5, 2001.

3. U.S. Patent Application Serial No. 09/864,723 (hereinafter the '723 Application) has been assigned to QuicKutz, the assignment having been recorded with the U.S. Patent & Trademark Office at Reel No. 013271, Frame No. 0566.

Commercial Success

4. In 2002, QuicKutz released to the U.S. market a portable personal die cutting system, including a die cutting tool of the type recited in the claims of the '723 Application. At that time, the only commercially available apparatuses for personal use that were capable of cutting out shapes and letters were punch systems. There was no portable die cutting tool on the market that had the capability of using interchangeable dies to make intricate die cuts.
5. In 2002, QuicKutz's first full year of operation, approximately \$236,000 was expended on advertising, which included advertising for its die cutting tool. The advertising included printed advertisements in scrapbooking publications, a printed catalog that was made available in retail stores that sold QuicKutz products, development of a website, updates and maintenance to the website, and expenses associated with trade shows. Extensive word-of-mouth advertising, at no cost to QuicKutz, also occurred during 2002.
6. Between May 1, 2002, and December 31, 2002, QuicKutz sold approximately 5,100 portable personal die cutting tools of the type recited in the claims of the '723 Application. This sales volume amounted to approximately \$464,000 in gross revenues for QuicKutz during 2002, not including dies that were sold for use with the tool. (In 2002, most of QuicKutz's die cutting tools were sold in kits that included a set of dies, and the \$464,000 figure involves an allocation of the purchase price of such kits between the tool and the dies.)
7. Total revenues during 2002 that were attributable to QuicKutz's portable personal die cutting tools and the dies designed for use therewith amounted to approximately \$2,381,000, representing approximately a 10x return on QuicKutz's 2002 investment in advertising.
8. QuicKutz spent approximately \$343,000 on advertising in 2003. Again, such advertising included expenses relating to trade shows, updates to and maintenance of QuicKutz's website, catalogs, and printed advertisements in scrapbooking magazines. Again, extensive word-of-mouth advertising, at no cost to QuicKutz, occurred during 2003.
9. In 2003, QuicKutz sold approximately 19,700 portable die cutting tools of the type recited in the claims of the '723 Application, which amounted to gross sales of approximately \$1,459,000, not including dies that were sold for use with the tool.

(Again, many tools were sold in kits, and the \$1,459,000 figure involves an allocation of the purchase price of such kits between the tool and the dies included therein.)

10. Total revenues during 2003 that were attributable to QuicKutz's portable personal die cutting tools and the dies designed for use therewith amounted to approximately \$8,734,000, representing approximately a 25x return on QuicKutz's 2003 investment in advertising.
11. QuicKutz spent approximately \$653,000 on advertising in 2004, including the types of advertising and promotion identified above in connection with the years 2002 and 2003.
12. In 2004, QuicKutz sold approximately 30,800 portable die cutting tools of the type recited in the claims of the '723 Application, which amounted to gross sales of approximately \$947,000, not including dies that were sold for use with the tool. (Again, many tools were sold in kits, and the \$947,000 figure involves an allocation of the purchase price of such kits between the tool and the dies included therein.)
13. Total revenues during 2004 that were attributable to QuicKutz's portable personal die cutting tools and the dies designed for use therewith amounted to approximately \$11,845,000, representing approximately an 18x return on QuicKutz's 2004 investment in advertising.
14. Through April 30, 2005, QuicKutz has spent approximately \$155,000 on advertising, including the types of advertising and promotion identified above in connection with the years 2002, 2003, and 2004.
15. During the first four months of 2005, QuicKutz sold approximately 25,900 of its portable personal die cutting tools of the type recited in the claims of the '723 Application. Its gross sales of such portable die cutting tools amounted to approximately \$715,000, not including sales of dies that were sold for use with the tool.
16. Total revenues during the first four months of 2005 that were attributable to QuicKutz's portable personal die cutting tools and the dies designed for use therewith amounted to approximately \$6,267,000, representing approximately a 40x return on QuicKutz's 2005 investment in advertising.
17. These numbers show the commercial success of die cutting tools that fall within the scope of the claims of the '723 Application. Sales figures including die sales are considered to be indicative of the commercial success of QuicKutz's portable personal die cutting tool, because all of QuicKutz's advertising has promoted both its dies and the portable personal die cutting system in which they are used.

Long-Felt Need

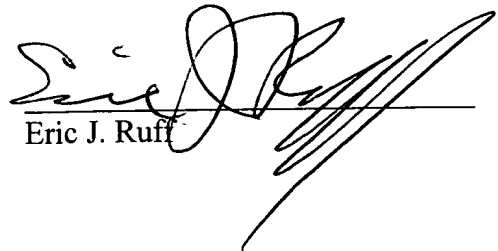
18. Shortly after QuicKutz introduced its portable personal die cutting system into the market, many customers and commentators observed that the QuicKutz die cutting tool uniquely satisfied a need that had not previously been met in the scrapbooking industry. The attached Exhibit A is a sampling of magazine articles to that effect, including (i) an announcement/review printed in the May 2002 issue of *Creating Keepsakes* magazine, stating that, with the new QuicKutz die cutting tool, “now you can spend your time creating pages, not hand-cutting letters and accents;” (ii) an announcement/review printed in the November/December 2002 issue of *Memory Makers* magazine, announcing a superior system for cutting out letters and designs, (iii) a review printed in the April/May 2003 issue of *PaperKuts* magazine noting the solid demand for die cuts and describing the QuicKutz portable die cutter as the “latest and greatest in personal die cutting systems”; (iv) an article in the 2003 issue of *Scrapbooking Top 50*, published by Memory Makers, highlighting the portability advantages of the QuicKutz die cutting tool and the demand for portability in the marketplace.
19. To meet the demand for portable personal die cutting systems, QuicKutz sold approximately 5,100 tools in the last eight months of 2002, approximately 19,700 tools in 2003, approximately 30,800 tools in 2004, and approximately 25,900 tools in the first four months of 2005. A market for such portable personal die cutting systems did not exist prior to the introduction of the QuicKutz tool.
20. At about the same time as QuicKutz introduced its portable personal die cutting tool into the market, several competitors began offering portable die cutting tools for personal use. All of these competitive tools were designed and marketed specifically to respond to marketplace demands that were not satisfied by available punch tools but only by the QuicKutz hand tool, namely, portability and the capability to use intricate interchangeable light weight dies.
21. In the fall of 2002 (six months after the ‘723 Application was filed), Sizzix, a joint venture between Ellison Educational Equipment, Inc., and Provo Craft and Novelty Inc., began selling a somewhat portable die cutting tool. In the fall of 2003, after the introduction of the QuicKutz portable personal die cutting tool, Sizzix began selling an adapter that allowed the Sizzix tool to use rigid substantially planar dies similar to those described in the ‘723 Application. The attached Exhibit B is a print-out of one of Sizzix’s Internet web pages, advertising the desirability of a portable personal die cutting tool that is capable of using rigid substantially planar dies.
22. In late 2003, a company known as DayCo, which has since been acquired by AccuCut Systems, began selling a somewhat portable die cutting tool. AccuCut offers an adapter that allows the AccuCut tool to use rigid substantially planar dies similar to those described in the ‘723 Application. The attached Exhibit C is a print-out of one

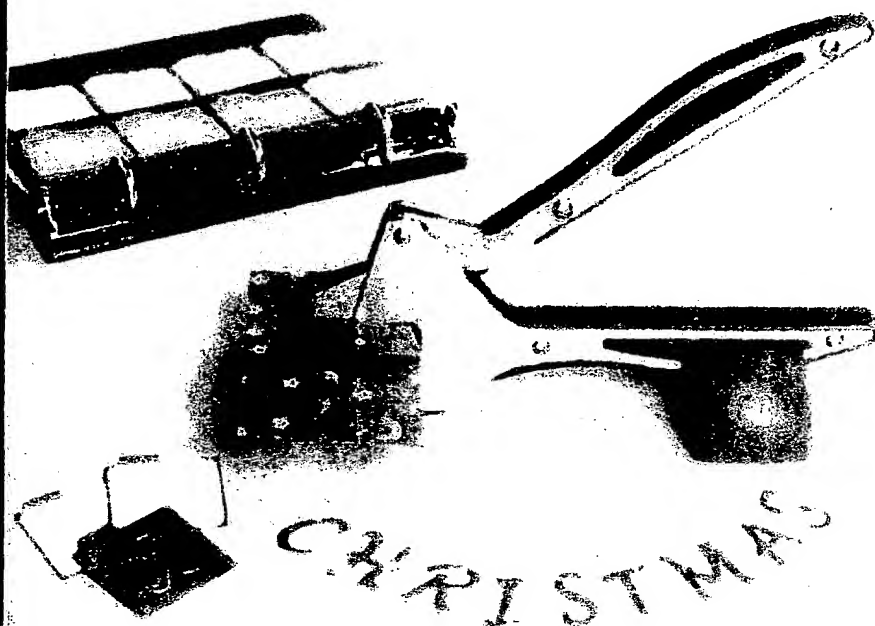
of AccuCut's Internet web pages, advertising the desirability of a portable personal die cutting tool that is capable of using rigid "wafer-thin" dies.

23. During 2004, a company known as Boss Kut announced its intention to begin selling a portable die cutting tool that promises to be very similar to the die cutting tool described in the '723 Application, although it is not clear whether such a die cutting tool actually will become available. The attached Exhibit D is a print-out of one of Boss Kut's Internet web pages announcing the Boss Kut Jr. hand held die cutter.
24. Recently, a company known as Spellbinders announced its intention to begin selling a portable die cutting tool that is designed to use rigid substantially planar dies similar to those described in the '723 Application. The attached Exhibit E is a print-out of an Internet web page of one of Spellbinders' retailers, advertising the desirability of a "lighter in weight" portable personal die cutting tool that is capable of using QuicKutz dies.
25. These facts indicate the existence of a long-felt and continuing need in the scrapbooking, hobby, and related industries for a portable personal die cutting system that is capable of cutting out detailed and attractive letters and shapes, as described in the '723 Application.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 11th day of May, 2005.


Eric J. Ruft



quickutz personal die-cutting system

Here's one for the wish list: the QuickKutz (888-702-1146 • quickutz.com) new personal die-cutting system. This gadget offers portability, ease and speed of use, more alphabet options with shadow letters and more intricate, cleaner design cuts.

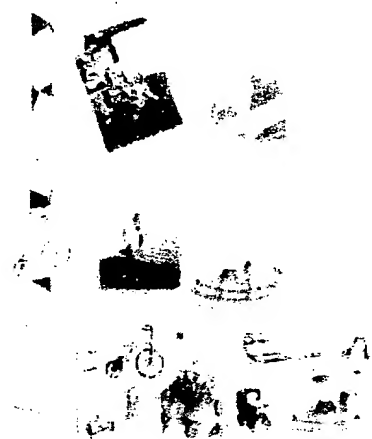
In the fall of 2000, Natasha Hixon grew frustrated with the time-consuming task of cutting out letters. After researching some options, she and her husband, Mark, developed a complete die-cutting system that can fit in your purse or crop bag and cut up to 100 shapes in one minute!

Weighing less than two pounds, the basic system, called the Essential Kit, consists of a hand press and cradle in which to rest it, a complete alphabet set, plus two punctuation dies, three shapes and a storage binder. \$200-\$320



stocking stuffer

Does this cute lil' thing remind you of a scrapbooker you know? She would if she had blond hair, you say? Not a problem, Critter Crafts (949-858-6271 • scrapbookgift.com) can customize these ornaments with hair color and style, skin tone and even ethnicity. Each one is handcrafted so no two are exactly alike. \$15, plus s & h



heritage stickers

Dorothy's Memories, a new line of heritage stickers from Tumblebeasts (505-323-5554 • tumblebeasts.com), fill photographic gaps or embellish pages with visions of Grandma's kitchen, vintage clothing and antique toys. The line takes its name from Tumblebeasts' owner Karen Stockham's own grandmother, Dorothy. Karen wanted to create realistic images with a playful touch. \$1.85 per sheet

jot this down

A busy mom keeps journaling worthy tidbits on anything she can find, be it the calendar or the grocery list. Weeks later, that same busy mom goes nuts trying to collect all the bits and pieces for her scrapbook pages. If this sounds familiar, Jotters (877-JOTTER1 • jotters.net) may be for you. The journals are compact and contain acid-free, perforated sheets so you can tear out your jottings to keep with your photos. \$9.99



Portable Die Cutting the QuickKutz Way

Some things are simply destined to go together—apple pie and ice cream, Jack and Jill, scrapbooking and die cuts.

Die cuts have been around almost since the beginning of the scrapbooking craze, and the fact that they are still a major element of scrapbooking today attests to the value of this wonderful creative option. However, everyone knows that there is always room for improvement—or at least that's what the people at QuickKutz believe.

Utah-based QuickKutz produces and markets the latest and greatest in personal die cutting systems—a portable approach that delivers the sharp, crisp look of store die cuts in the comfort of your own home. The

QuickKutz system includes the QuickKutz Hand Tool (or press), which weighs less than two pounds and is roughly ten inches long (see Figure 1), and QuickKutz Pocket Dies, which are two inches square, thinner than a credit card, and stored in convenient, compact custom-designed binders (see Figure 1). Although small, the system is superior—the dies are made of solid steel and will last a lifetime, and the hand tool is a carefully engineered, precision instrument.

QuickKutz offer an impressive variety of alphabets (see Figure 2)—nine different styles (more than any other personal die-cutting system) available in 1 1/4" letters; five of the styles are also available in a mini (5/8") size. All of the QuickKutz alphabets have matching numbers and punctuation, and six of the nine have matching shadows. In addition, QuickKutz has more than 175 different die cut shapes (see Figure 1). Currently, the company releases new shapes every month and a new alphabet every quarter.

The QuickKutz System was designed to be durable, portable, easy to use, and easy to store. Made entirely in the United States, QuickKutz is the only such system with a limited lifetime warranty. QuickKutz

dies make tens of thousands of cuts, all with the same sharp, clean quality as the first. And QuickKutz can be used for a wide variety of uses, including scrapbooking (see Figure 3), greeting cards, gift bags and boxes, picture frames, and more.

Using die cut letters, numbers, and shapes has never been easier, quicker, or more fun. But the best part about QuickKutz is not only do scrapbookers enjoy amazing variety, impressive versatility, and superior quality, they get it in a package so small that they can literally take it with them—anytime, anywhere.



Figure 3

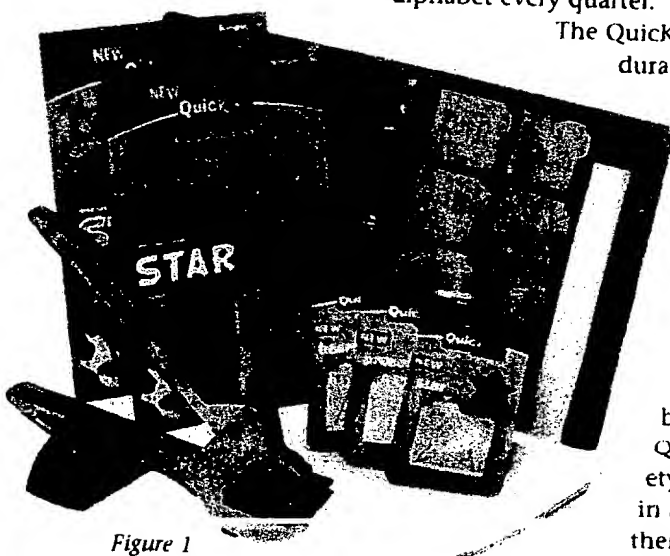
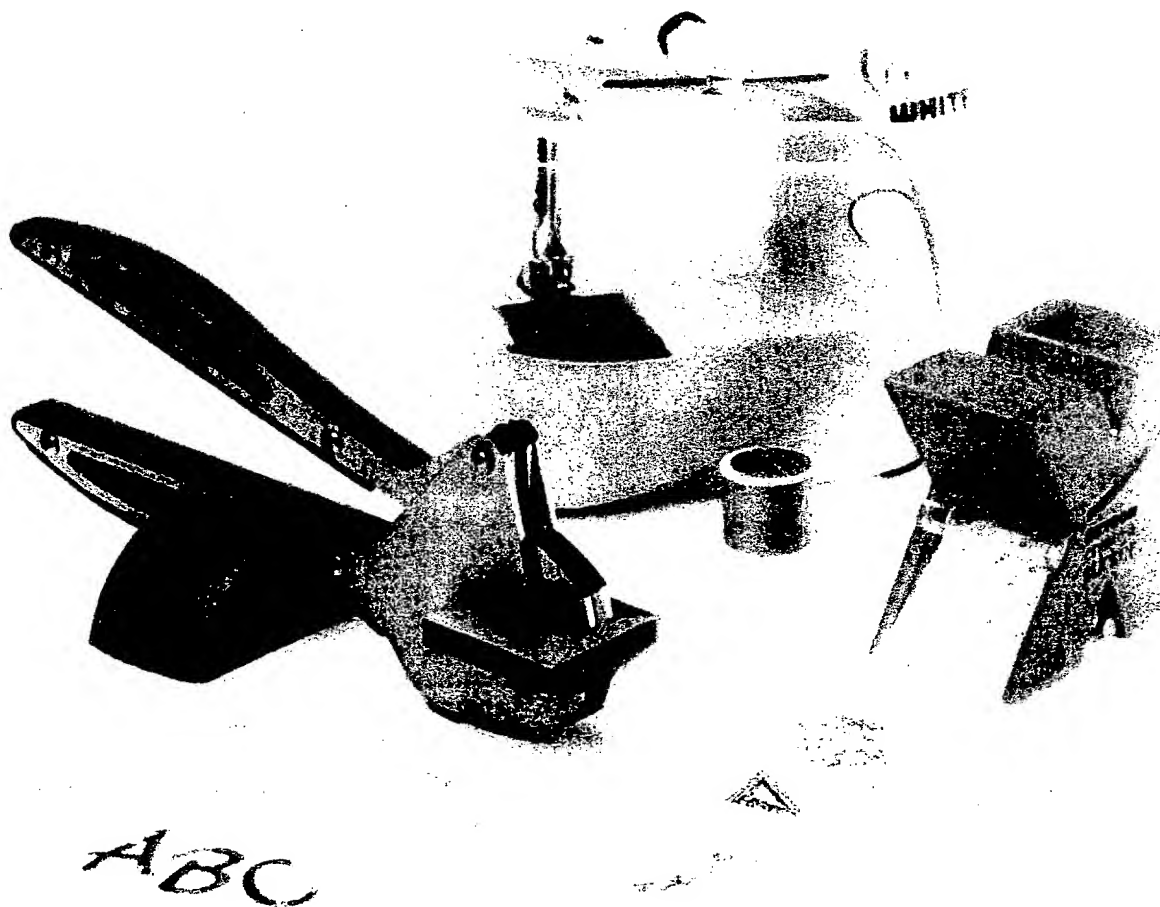


Figure 1

STAR
ROXY
GIDGET
MONEY
KHAKI
VENUS
ZELDA
Sonja
Marisa

Figure 2



scrapbooking top 50 | mini mechanisms

"SCRAPBOOKING MEANS TAKING IT WITH YOU," says Amelia Parkin, public relations specialist and events coordinator for QuicKutz, Inc. "And if you're like me, it means wanting to take it all with you." That feeling is the driving force behind the trend to downsize—everything is getting smaller, from die-cutting machines to sewing machines. Manufacturers are saying, "You *can* take it with you." Last year, QuicKutz introduced a personal die-cutting system (shown above) weighing less than two pounds. Add 80 dies to reach three pounds. Compact equals portable equals practical, Amelia says.

"Several reasons exist for why smaller is appealing," says Major Maddon, Provo Craft's vice president of marketing. "It's cute, it represents ease and it's portable." Provo Craft also minimized by introducing the Sizzix personal die-cutting system.

Other companies following suit are Xyron and White Sewing. The Xyron 150 (shown above) makes stickers no wider than 1½", while the Sew Cute (shown above) sewing machine can handle most big sewing jobs at a fraction of the size and weight. It's battery operated, so it's totally portable.

BECOME A MEMBER | LOG IN

Ideas & Contests | Specials | News & Events

Shop Online

Customer Support

About Us

SEARCH

Products

GO

About Us

Wednesday, July 28, 2004

Wish List



Shopping Basket

About Sizzix

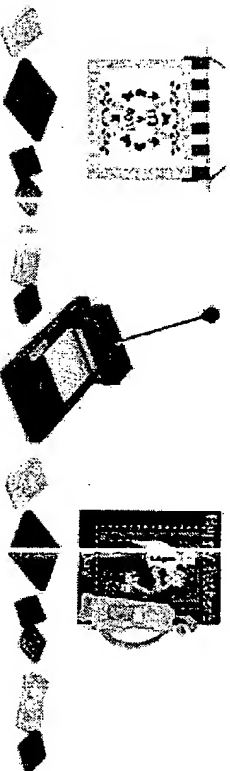
View Sizzix Movie

Sizzix Companies

Management Bios

Legal Notices

Contact Us



Sizzix

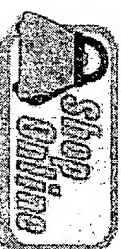
Shaping the Future of Creativity

Crafting at home is now a whole lot easier and a lot more fun. The vision of Sizzix started as a personal die-cutting system and line of dies but has now evolved into a whole lot more. Giving crafters and scrapbookers an inexpensive and simple way to embellish and enhance any scrapbook page, greeting card or craft project is the perfect solution to the creative community. The design and functionality of Sizzix brand products allows crafters to create right in the convenience of their own home or take on the road to a school, scrapbooking event or friends house. Sizzix brand products are quickly becoming a complete crafting system of integrated and patented dies, embossing folders, punches, papers and storage systems all to help you create easier and faster than ever before.

The Sizzix brand and product line was co-developed by two



Back to Back Winner
Creating Keepsakes
2003 - 2004
Readers' Choice Award
for Die-Cut Equipment



companies that crafters look to first for innovative products and creative ideas. Ellison and Provo Craft knew that crafters wanted an affordable solution to creating die-cut designs and embellishments in their homes. Using Ellison's popular die-cutting machine design, the two companies developed a smaller, lighter, portable version. The Sizzix Machine's simple, straightforward design makes creating projects easy and fun for every crafter.

The original line of Sizzix dies includes hundreds of creative shapes for every event, holiday or occasion. In addition, Sizzix has a selection of alphabets, numbers and punctuation to add titles and words to your crafting projects. The original dies can cut a variety of materials such as paper, rubber, and fabric for every craft from scrapbooking, rubber-stamping or quilting. In fact, the Sizzix die-cutting system can cut up to three sheets of paper at once, resulting in perfect, clean cuts every time.

During the fall of 2003, the Sizzix brand introduced two new products, which work in the Sizzix Machine. Both new products require the use of a Sizzix System Converter. Sizzix product users can now get the added benefits of Sizzilits low profile dies and Simple Impressions Embossing Folders. Each unique in their design and patented in their functionality. The Simple Impressions Embossing Folders take the time and fuss out of embossing while leaving you with that beautiful, classy end result of embossed paper or metal in just seconds. The folders use a positive and negative of each design shape to sandwich your embossing material in between the folder while you press in your Sizzix Machine.

Sizzilits are a thin lightweight and portable die that is perfect for crafters on the go. Available in an easy to use storage case, you will love this die addition to the line. Extremely economical and easy to use these dies cut single sheets of card stock into detailed, decorative shapes for your next scrapbook, card or craft project.

Another innovative and clever idea from the Sizzix brand is the PadlePunch. This new product works outside of the Sizzix Machine but addresses and overcomes the age-old issues with the

limitations of craft punches and their inability to punch in the middle of a page or only through thin paper. By using similar steel as in the original dies and a special hammer, crafters can add that decorative shape anywhere they want on hundreds of kinds of materials.

So if you are looking for inspiration, visit the Sizzix.com Web Site often – a virtual crafting community. It's chock full of ideas, projects, and tips to satisfy the craftiest of crafters. Sign-up for The Sizzix.com Scoop monthly e-mail newsletter, and keep up-to-date with the latest and greatest in die-cutting and crafts.

Sizzix brand products can be purchased from thousands of craft stores around the United States and abroad as well as at www.sizzix.com and www.creativeexpress.com. For more information, contact Sizzix.com toll free at 1-877-355-4766

[Store Locator](#) | [Contact Us](#) | [Legal Notices](#) | [Privacy Policy](#)

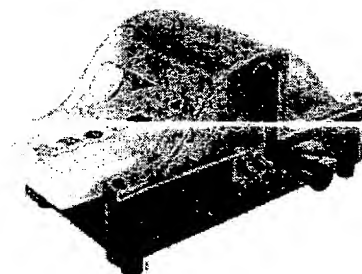
Sizzix.com is owned and operated exclusively by Ellison
Copyright © 2001-2004 Sizzix.com. All Rights Reserved.



AccuCut Re-Introduces DayCo Personal Die Cutter
Click [here](#) for a high resolution images for use with this article.

(Fremont, Neb.—July 16, 2004)—As a result of its recent acquisition of DayCo (a former competitor), AccuCut Systems re-introduced DayCo's Zip'eMate™ Personal Die Cutter as one of its own products. The machine will replace the AccuCut® Mini Machine, which is being phased out.

"The AccuCut® Zip'eMate™ machine has gone through rigorous quality testing to deliver a product synonymous with AccuCut," said product manager Cheyanne Atchley. "We are thrilled to introduce the double-roller personal die cutting machine as AccuCut's primary personal sized machine, and excited about offering this product to our customers as a fitting addition to the AccuCut line."



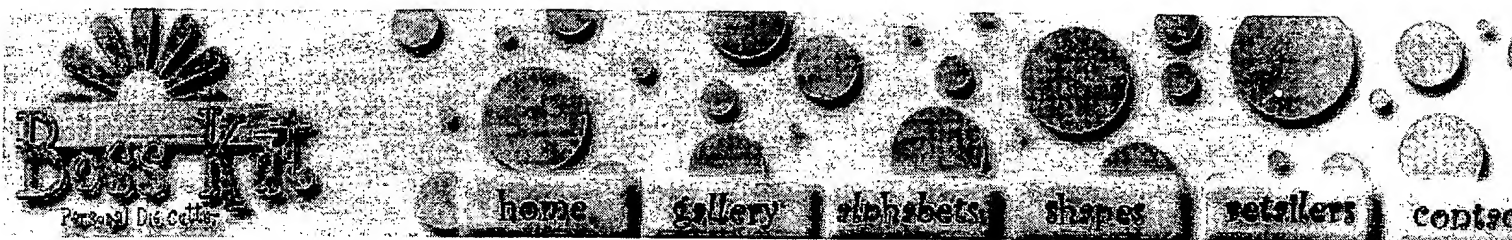
The Zip'eMate machine is the only personal die cutting machine that offers roller technology. It includes two gear-driven rollers that draw dies through the machine with minimal effort from the operator. As with all AccuCut machines, pressure is preset and applied by the machine itself rather than the operator. This provides a consistent cutting experience and eliminates the need to guess how hard to press, as with lever-operated machines.

In addition to cutting shapes, the Zip'eMate machine embosses any AccuCut shape, and will also emboss pre-purchased brass stencils. The machine is available in the four colors: purple, red, green and blue. With the use of a variety of cutting platforms and mats, the machine is compatible with all major dies on the market, including commercial dies, thin wood or plastic dies, and wafer-thin metal dies.

Consumers are encouraged to ask their local retailers about the AccuCut® Zip'eMate™ Personal Die Cutting Machine. Retailers may call 800-288-1670 to order, or order online at www.accucut.com.

AccuCut Systems was established in 1990 as a provider of shape and letter cutting products for retail craft stores, professional designers, craft enthusiasts and the educational market. The company's focus is on making craft and educational experiences fun and rewarding. AccuCut is a multi-winner of *Creating Keepsakes* magazine's Readers' Choice Award for best die cutting equipment, and the Primedia Award of Excellence. Visit AccuCut online at www.accucut.com.

###



January 2005

The Boss Kut

I know many of us are anxious for the arrival of the BOSS KUT. We are officially in production on our Boss Kut, After many months of working with several companies, we have found a manufacturer that can make us the ULTIMATE personal die cutting system. I can't wait to get these shipped and in the hands of the scrapbookers--we will have a truly unique machine that EVERY scrapbooker can utilize!! The best machine on the market--hands down!! We are very excited about the look of our new machine--won't it be cute sitting on your scrapbooking table? I truly can't wait to have mine in hand!!!

The Boss Kut Jr.

What makes us so incredibly unique is that we accommodate ALL scrapbookers!! The Boss Kut can cut several 2x2 dies at a time and some of our larger dies like our monograms and stencils. **Boss Kut Jr.** is also in the works and will be available Summer 2005!!! The **Boss Kut Jr.** will cut one 2x2 die at a time, which in turn makes the machine smaller and a bit easier to tote. We are offering you a choice to fit your scrapbooking need!! Of course if you are anything like me, you will have both!!!



Alphabet and Shape Dies

We are very excited about offering you all our wonderful dies at INCREDIBLE prices. We are looking at ship dates in April for our alphabets and most of our other dies. We are working on final stages of the packaging and will be in production VERY shortly. The following are some common questions asked about the use of our dies:

Accessories

We are adding fun and colorful accessories to make toting your Boss Kut, or Boss Kut Jr. to all your favorite crops, conventions, and classes. As a scrapbooker, I know ALL the gazillion things I try to take to a crop, we want you to find taking the Boss Kut anywhere you go will be easy as pie. Not to mention, we want you to take it EVERYWHERE and show off your adorable little machine that cuts the finest, most detailed alphabets to all your scrapbooking buddies!!!

Can your dies be used with other die cutters?

Yes and No! How is that for an answer!! Some of our dies will work perfectly in other machines and some will not. The reason behind this is very simple--we have a top-notch machine that distributes even pressure allowing the dies to be cut more uniformly--because of this, we are able to fit more on one die!!! Sometimes dies with multiple letters, or shapes will not cut as well on some of the other machines.

What are your dies made out of?

Our dies are thin steel rule dies which cut with amazing precision and are very easy to store and use!

What if there is a problem?

We are working with incredibly knowledgeable people, whom want to create lasting quality in all dies, cutters, and accessories--we anticipate no problems. With that being said, we do realize that in any kind of manufacturing there could be something that does not meet the consumers need. We stand behind our product 100%--if for some reason you get something that is not working properly we will look into it and do everything we can to "fix" the problem.

I hope this answers some questions for you and gets you excited about the hottest new scrapbooking tool in 2005!!!

© Copyright 2004 Boss Kut and The Collectables, Inc.

Terryfic Times

The Wizard Die Cutting Embossing System

Home

Up

Paper Crafting

The Latest Buzz

Parties

Karaoke/D-Jay

ASEP

Private Training

IVYS

Terryfic Times was the only retailer in North Carolina to carry The Wizard Die Cutting Embossing System from Spellbinders. This lightweight machine (under five pounds) is used for dry embossing, texturizing paper, die cutting, polymer clay and so much more. Let your imagination take your papercrafting to a new level. See cards made with this machine in our [Card Gallery](#).

Well, crafters, hold on to your hats. Spellbinders has released its new model of the Wizard at the Craft and Hobby Association Show (CHA Show) in Atlanta February 11th to 15th. If you've worked with The Wizard, you probably thought "It can't get any better than this!" Well, crafters, hold on to your hats. The new Wizard is lighter in weight, wider, easier to use and will cost less than the original model. Spellbinders' owners, Stacey and Jeff Caron, are bringing many innovative products to the personal die-cutting market. You will be blown away with their new products.

The cost of the new Wizard is \$130 and includes everything you need to cut and emboss with the Spellbinders dies. Sizzix, Zip'e Cuts and more. The only additional thing you'll need to get is the Charm Kit for \$10. This will allow you to emboss using a variety of brass and plastic stencils. If you use the Fiskars texturizing plates and/or large stencils, you will probably want to get the 12" by 12" polymer pad retailing for \$19. The good news is that I'll sell you the whole pad or prorate the price if you only want 1/4 or 1/2 of the mat.

There is complete two-way compatibility between the original Wizard products and the new products. The only thing you'll need to get if you own the original model is a spacer plate. You can call Spellbinders at 1-888-547-0400 and they'll send you one at no cost. This plate is necessary to have in order to use the new, improved Spellbinders dies. It can also be used with other chemically-etched dies such as QuickKutz, Zip'eCuts and Sizzlets.

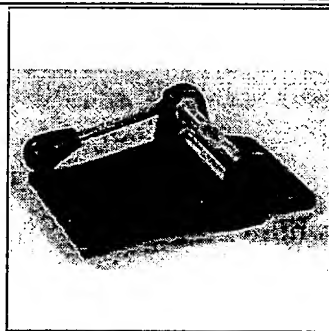
The new products and prices are shown below. If you become a TLC (Terryfic Loyal Customer) for a \$25 annual membership fee, you save 10% on regular and sale prices, save 15% on special orders, get \$5 for your birthday, and other specials just for my TLC's.

I'm offering the TLC's a special deal on the Wizard and related products. For a limited time, you can save 20% off the retail price of all Spellbinders

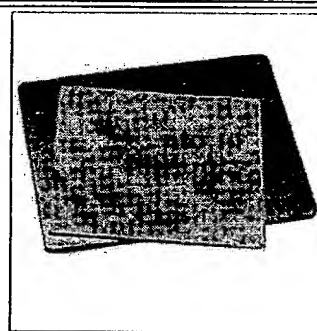
products. This means that you save \$26 on the price of the Wizard alone and have saved your annual membership immediately. You still have a full year to save even more.

Please call the shop at 704-895-BLUE (2583) or email terry@terryfictimes.com if you want me to order a Wizard. You can be among the first in the country to get this fabulous personal die-cutting and embossing system. If you thought the original Wizard was something, you "ain't" seen nothing yet!

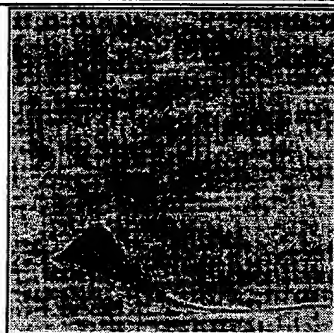
I've written a review of The Wizard from Spellbinders and AccuCut's Zip'E Mate, including comments on the Sizzix and QuickKutz systems, for your consideration.



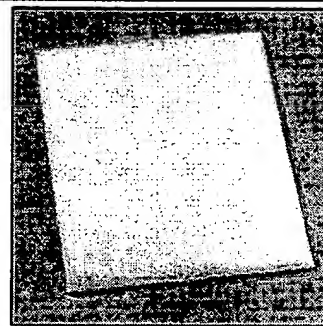
Wizard (Purple Only)
W000 \$130



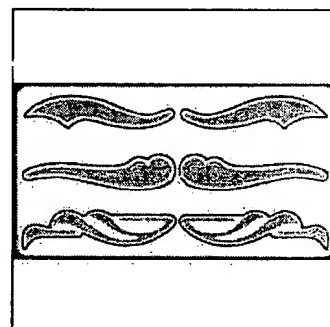
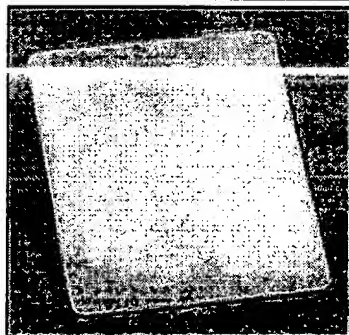
Charm Kit
W003 \$10



12" by 12" Polymer Pad
W005 \$19



Thick White Replacement Mats
W002 \$10



**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.